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EXAMINER

GREENE, DANIEL L

ART UNIT

PAPER NUMBER

3621

DATE MAILED: 04/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/636,037

Applicant(s)

ALLIBHOY ET AL.

Examiner

Daniel L. Greene

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other:

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed 2/03/03 have been fully considered but they are not persuasive.
2. Applicant contends that the references alone or in combination do not teach or suggest all limitations of claim 1. The Applicant submits that, " In fact, Weber system controls only transaction involving goods. Thus , buyers in Weber request tangible goods and not enhanced content programming." The Applicant contends that there is a difference between tangible goods and enhanced content programming. The Examiner submits that a computer program is in fact a tangible good be it resident on a disk or in a digital format in a computer memory. In regards to the use of triggers for the control of the enhanced content, the use of encryption techniques effectively functions as triggers embedded in the computer program to limit/prevent the use of or access to certain parts of the computer program. Also, it is well known in the art that use of encryption techniques alerts user and administrators to the restrictions placed on the information to limit access/use of the contents. Weber teaches the various encryption techniques to facilitate control of the flow of information as detailed in the previous Office Action. The Applicant submits that there is no involvement by a third party in Weber. Weber teaches about the use and function of firewalls to monitor activities between the various parties thus providing third party interaction. The Communications and Activity Platform taught by Weber is the effective third party in his application.

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3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

DETAILED ACTION

Claim Rejections - 35 USC § 102

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The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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1. Claims 1-19 and 22-27 are rejected under 35 U.S.C. 102(e) as being anticipated by Webber, Jr. US 6,167,378 [Webber'378]

As per claim 1.

Webber'378 discloses;

initiating a request for the enhanced content programming, said request initiated by the user receiver and directed at the content provider via the network;

Col.15, line 65

directing the enhanced content programming responsive to said request at the user receiver via the network, said directing step performed by the content provider;

Col.15, line 66

detecting triggers embedded in the enhanced content programming, said detecting step performed by a third party; Col.13, lines 50-53

intercepting the enhanced content programming, said intercepting step performed by said third party; Col.14, lines 40-45

determining if the enhanced content programming complies with a set of third party parameters; Col. 14, lines 45-67

permitting the enhanced content programming to be received by the user receiver if the enhanced content programming complies with said set of third party parameters; and Col.13, lines 50-67, Col. 14, lines 1-24

preventing the enhanced content programming from being received by the user receiver if the enhanced content programming does not comply with said set of third party parameters. Col.15, lines 13-43

As per claim 2.

Webber'378 further discloses;

wherein said set of third party parameters is comprised of a set of business rules.

Col.6, lines 28-67.

As per claim 3.

Webber'378 further discloses;

wherein said set of third party parameters include the requirement of embedding a third party marker within the enhanced content programming. Col.8, lines 59-67,

Col.9, lines 1-10.

As per claim 4.

Webber'378 further discloses;

wherein said preventing step further comprises the step of transmitting a set of third party requirements to the content provider. Col.10, lines 20-40.

As per claim 5.

Webber'378 further discloses;

wherein said preventing step further comprises the step of directing said request to a substitute content provider. Col.13, lines 29-50.

As per claim 6.

Webber'378 further discloses;

wherein said set of third party parameters includes a set of receiver capabilities.

Col.9, lines 24-30.

As per claim 7.

Webber'378 further discloses;

wherein said set of third party parameters includes a user profile associated with the user receiver. Col.8, lines 50-65.

As per claim 8.

Webber'378 further discloses;

wherein said set of third party parameters is comprised of a set of network specifications. Col.6, lines 20-23.

As per claim 9.

Webber'378 further discloses;

extracting transaction information from said intercepted enhanced content programming; and
storing said extracted transaction information in a database controlled by said third party. Col.9, lines 12-25

As per claim 10.

Webber'378 further discloses;

the step of displaying at least a portion of said extracted transaction information.

Col.12, lines 29-35.

As per claim 11.

Webber'378 further discloses;

wherein the network transaction is a financial transaction and said request is a purchase request, said method further comprising the step of entering said purchase request into a data base controlled by said third party. Col.10, lines 20-25.

As per claim 12.

Webber'378 further discloses;

further comprising the step of displaying at least a portion of said entered user purchase request. Col.12, lines 29-35.

As per claim 13.

Webber'378 further discloses;

directing a request for additional information pertaining to said purchase request to the content provider, wherein said directing step is performed by said third party;

Col.13, lines 50-67, Col. 14, lines 1-43

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receiving said additional information from the content provider; Col.13, lines 50-67, Col. 14, lines 1-43

storing said additional information in said third party controlled database. Col.13, lines 50-67, Col. 14, lines 1-43

As per claim 14.

Webber'378 further discloses;

directing a request for updated information pertaining to said purchase request to the content provider, wherein said directing step is performed by said third party;
Col.13, lines 50-67, Col. 14, lines 1-43

receiving said updated information from the content provider; Col.13, lines 50-67, Col. 14, lines 1-43

storing said updated information in said third party controlled database. Col.13, lines 50-67, Col. 14, lines 1-43

As per claim 15.

Webber'378 further discloses;

requesting finalization of said purchase request; Col.13, lines 4-27

finalizing said network transaction with the user receiver, wherein said finalizing step is performed by said third party; Col.13, lines 4-27

providing finalized transaction information to the content provider by said third party. Col.13, lines 4-27

As per claim 16.

Webber'378 discloses;

a network providing both standard programming and enhanced content programming to a plurality of users; Fig.1

a receiver coupled to said network, said receiver submitting a user request for a portion of said enhanced content programming relating to the user transaction; Col.22, lines 1-10

a content provider coupled to said network, said content provider supplying said portion of said enhanced content programming relating to the user transaction in response to said user request; Fig. 2, **241c**

a third party controller coupled to said network for detecting triggers embedded within said portion of said enhanced content programming supplied by said content provider in response to said user request and for intercepting said portion of said enhanced content programming supplied by said content provider in response to said user request; Fig.2, **260**

a data base controlled by said third party controller, said data base containing a set of third party parameters; Fig.2, **295**

third party means for comparing said set of third party parameters with said portion of said enhanced content programming supplied by said content provider to determine if said enhanced content programming complies with said set of third party parameters; Fig.2, **262**

third party means for preventing the enhanced content programming from being received by said receiver if the enhanced content programming supplied by said content provider does not comply with said set of third party parameters. Col.15, lines 13-43

As per claim 17.

Webber'378 further discloses;

wherein said third party comparing means and said third party preventing means are integrated into said third party controller. Fig.2, **262**

As per claim 18.

Webber'378 further discloses;

third party means for transmitting a request for compliance with said third party parameters to said content provider if the enhanced content programming supplied by said content provider does not comply with said set of third party parameters. Col. 22, lines 1-10.

As per claim 19.

third party means for extracting information relating to the user transaction from said user request and from said portion of said enhanced content programming provided by said content provider, said extracted information stored in said data base; Col.9, lines 12-25

a display coupled to said receiver for displaying said portion of said enhanced content programming and for displaying said extracted information. Col.12, lines 29-35.

As per claim 22.

Webber'378 further discloses;

wherein said third party controller obtains additional information from said content provider relating to the user transaction and stores said additional information in said database. Col.13, lines 50-67, Col. 14, lines 1-43

As per claim 23.

Weber'378 further discloses;

wherein said third party controller finalizes the user transaction with said receiver and provides final transaction information to said content provider. Col.13, lines 50-67, Col. 14, lines 1-43.

As per claim 24.

Weber '378 discloses:

controlling a network transaction between a user receiver and a content provider occurring over a network operated by a network operator, the content provider offering enhanced content programming relating to the network transaction, the network operator determining whether intercepted enhanced content programming complies with the set of network operator parameters and permitting the enhanced content

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programming to be received by the user receiver if the content programming complies with the set of parameters. Col. 6 and 7.

As per claim 25.

Weber '378 discloses:

wherein the user receiver initiating a request for the enhanced content programming. Col.15, line 66.

As per claim 26.

Weber '378 discloses:

comprising preventing the enhanced content programming from being received by the user receiver if the enhanced content programming does not comply with set of parameters. Col.15, lines 13-42

As per claim 27.

Weber '378 discloses:

comprising the network operator detecting triggers embedded in the enhanced content programming. Col. 13, lines 50-53.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 20 and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber'378 as applied to claim 1-19 and 22-23 above, and further in view of Gershman et al. US 6,401,085 B1 [Gershman'085]

As per claim 20;

Weber'378 discloses the claimed invention except for the said receiver is selected from the group consisting of set-top boxes, telephones, PDAs, and computers. Weber'378 does teach that a party's interface include other commercial available devices... (Col.22, lines 4-5). Gershman'085 teaches that it is known to use receivers that are selected from the group consisting of set-top boxes, telephones, PDAs, and computers. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have a receiver that is selected from the group consisting of set-top boxes, telephones, PDAs, and computers as taught by Gershman'085, since Gershman'085 states at Col.2, lines 19-67 that such a modification would permit an individual access to computer related information at all times and in all environments.

As per claim 21.

Weber'378 discloses the claimed invention except for wherein said network is selected from the group consisting of cable, fiber optics, telephone lines, terrestrial broadcast systems, and satellite broadcast systems.

Weber'378 does teach that a party's interface include other commercial available devices... (Col.22, lines 4-5).

Gershman'085 teaches that it is known to use a network that is selected from the group consisting of cable, fiber optics, telephone lines, terrestrial broadcast systems, and satellite broadcast systems.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have said network selected from the group consisting of cable, fiber optics, telephone lines, terrestrial broadcast systems, and satellite broadcast systems as taught by Gershman'085, since Gershman'085 states at Col.2, lines 19-67 that such a modification would permit an individual access to computer related information at all times and in all environments.

Examiner's Note: Examiner has cited particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part

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of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel L. Greene whose telephone number is 703-306-5539. The examiner can normally be reached on M-Thur. 8am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammell can be reached on 703-305-9768. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.

DLG
March 27, 2003



JAMES P. TRAMMELL
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600